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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,737	06/06/2001	Toshio Nomura	55692(551)	4212
21874	7590	11/17/2003	EXAMINER	
EDWARDS & ANGELL, LLP			ESPLIN, DAVID B	
P.O. BOX 9169			ART UNIT	PAPER NUMBER
BOSTON, MA 02209			2851	

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/786,737	NOMURA ET AL.	
	<b>Examiner</b> D. Ben Esplin	<b>Art Unit</b> 2851	MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 and 8-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 8, 9 and 14-20 is/are rejected.
- 7) Claim(s) 10-13 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

In light of the arguments presented in the Appeal Brief filed 8/8/03 the finality of the rejection in the Office Action mailed 9/4/02 is hereby withdrawn and prosecution of the instant application is reopened.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8, 9, and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,786,814 to Moran et al.

Moran discloses a computer controlled display system using correlated graphical and timeline interfaces for controlling the replay of temporal data. According to the method presented in the system of Moran, events, such as important points or a change of scene, are indexed (col. 5 lines 29-36). The information representing these events consists of a start time, a duration, a type, and properties, and are stored separate from the video, audio, etc. data (col. 6 lines 63-67). These events are then represented to a user in the form of a graphical interface so as to provide the user with easy access (col. 5 line 59-col. 6 line 1). These graphical interfaces, representing specific events, provide a means for extracting information about the events.

***Allowable Subject Matter***

Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 8/8/03 have been fully considered but they are not persuasive.

**Claims 1, 4, 8, 14, and 19**

It is argued that Moran does not teach appending (edit) information for managing a specified playback range and a playback time of a playback range to an area other than a motion picture data body on a recording medium. Moran does suggest that information for managing (events) may be saved at a different location from a motion picture data body (time streams) on a recording medium (session storage device) to two different locations (Timestream Database and Bulk Timestream Storage) (col. 15 lines 28-37).

Applicant asserts that the Events of Moran do not correspond to "information for managing the specified playback range and playback time of' a playback range. Moran specifically describes Events as including "a start time, a duration (possibly zero for 'point' events), a type, and possible properties which may depend upon the type." This appears to be information that manages a specified playback range and time.

Applicant also argues that the "information for managing the specified playback range and playback time of' a playback range of the claimed invention is distinguishable over the

Events of Moran because the information claimed can only manage moving picture data, while the Events of Moran may correspond to various media types, including video (page 13 line 8 of Applicant's Appeal Brief). This argument is moot. As long as the Events of Moran include every feature of the claimed "information for managing the specified playback range and playback time of" a playback range this element is anticipated; it is not required that the "information for managing the specified playback range and playback time of" a playback range include every feature of the Events of Moran (MPEP 2131).

Applicant further argues that the Events of Moran are created concurrent with the initial recording of the time streams, while the "information for managing the specified playback range and playback time of" a playback range of the claimed invention can be defined afterwards. However, Applicant points to no language within these claims that includes this limitation, making this argument irrelevant. Even if this was a valid argument for these claims, Moran does disclose that Events may be created after the initial recording of the time stream (col. 5 lines 38-43).

Still further, Applicant states that one of the objects of Moran is to create index points during a recorded event, and that the claimed invention has no relationship to the "index" created by Moran. This does not set forth any structure or function included in these claims that distinguishes the claimed invention over Moran.

### **Claim 2**

Applicant argues that claim 2 is distinguishable over Moran because Moran does not teach the step of "changing the time management information in said output motion picture data on the bases of edit information and creating a new motion picture file". Moran does suggest

that the time management information (Events) may be changed on the basis of editing (col. 5 lines 38-43), thereby creating a new motion picture file.

### **Claim 3**

Applicant argues that claim 3 is distinguishable over Moran because Moran does not suggest appending edit information on the recording medium and creating a new motion picture file. Moran discloses that the time management information (Events) may be changed on the basis of editing (col. 5 lines 38-43), thereby creating a new motion picture file.

### **Claim 9**

Applicant argues that Moran does not teach specifying a plurality of playback ranges and continuously playing the plurality of playback ranges. FIGS. 7 and 8 of Moran show a mode in which playback ranges may be selected and played.

### **Claim 15**

Applicant argues that Moran does not include the limitation that edit information includes information for managing at least one playback range in a motion picture file and a playback time of the playback range output to a separate area from a motion picture data output. Examiner has addressed this limitation in the section regarding claims 1, 4, 8, 14, and 19.

### **Claim 16**

Applicant argues that Moran does not teach the functionality of a time management information change means. Moran does suggest that the time management information (Events) may be changed on the basis of editing (col. 5 lines 38-43), thereby changing the time management information.

**Claim 17**

Applicant argues that Moran does not include the limitation that edit information includes information for managing at least one playback range in a motion picture file and a playback time of the playback range output to a separate area from a motion picture data output. Examiner has addressed this limitation in the section regarding claims 1, 4, 8, 14, and 19.

**Claim 18**

Applicant argues that Moran does not suggest appending edit information on the recording medium and creating a new motion picture file. Moran discloses that the time management information (Events) may be changed on the basis of editing (col. 5 lines 38-43), thereby creating a new motion picture file.

**Claim 20**

Applicant argues that claim 20 is distinguishable over Moran because Moran does not suggest appending edit information on the recording medium and creating a new motion picture file. Moran discloses that the time management information (Events) may be changed on the basis of editing (col. 5 lines 38-43), thereby creating a new motion picture file.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Ben Esplin whose telephone number is (703) 305-4022. The examiner can normally be reached on Mon.-Fri. (8am-4:30 pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell E. Adams can be reached on (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

DBE  
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